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REJECTION OVER A PENDING "REFERENCE" APPLIANCE"

In re Application of: John G. Babish, et al

Application No.: 10/789,814

Filed: February 27, 2004

SYNERGISTIC ANTHINFLAMMATORY PHARMACEUTICAL COMPOSITIONS AND METHODS OF USE

the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/532,388 filed on 24/21/2005 as such term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns The owner METAPROTEOMICS, LLC 9 percent interest in the instant application hereby disclaims

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application. "as the fund of disclaimer filed prior to the application." as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. In the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant

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